

By: Brown of Kaufman

H.B. No. 1118

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the operation of a licensed barber or cosmetology
3 school, shop, or facility before initial inspection by the Texas
4 Department of Licensing and Regulation.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 1602.303(c), Occupations Code, is
7 amended to read as follows:

8 (c) The applicant is entitled to a private beauty culture
9 school license if:

10 (1) the department determines that the applicant is
11 financially sound and capable of fulfilling the school's
12 commitments for training; and

13 ~~(2) [the applicant's facilities pass an inspection~~
14 ~~conducted by the department under Section 1603.103, and~~

15 ~~[(3)]~~ the applicant has not committed an act that
16 constitutes a ground for denial of a license.

17 SECTION 2. Section 1603.103, Occupations Code, is amended
18 to read as follows:

19 Sec. 1603.103. INITIAL INSPECTION OF SCHOOLS, SHOPS, AND
20 FACILITIES [~~BEFORE OPERATION~~]. (a) A person may [~~Until the~~
21 ~~department determines, by inspection, that the person has~~
22 ~~established the school, shop, or facility in compliance with this~~
23 ~~chapter, Chapter 1601, or Chapter 1602, a person may not~~] operate a
24 school, shop, or other facility licensed or permitted under this

1 chapter, Chapter 1601, or Chapter 1602 before the department
2 initially inspects the school, shop, or facility if the person
3 posts evidence in the school, shop, or facility that:

4 (1) the person has obtained liability insurance
5 required by the department;

6 (2) the person has paid all fees required by the
7 department; and

8 (3) the department has approved the name of the
9 school, shop, or facility.

10 (b) The department shall initially inspect each newly
11 licensed or permitted school, shop, or other facility as soon as
12 practicable before or after the date the school, shop, or facility
13 begins operation. If the department determines in the initial
14 inspection that the school, shop, or facility is not in compliance
15 with this chapter, Chapter 1601, or Chapter 1602, the person may not
16 operate or continue to operate the school, shop, or facility until
17 the department determines, on reinspection, that the school, shop,
18 or facility is in compliance [~~A school, shop, or other facility that~~
19 ~~is not approved by the department on initial inspection may be~~
20 ~~reinspected~~].

21 (c) The school, shop, or other facility shall pay a fee for
22 each inspection. The commission shall by rule set the amount of the
23 fee.

24 SECTION 3. The changes in law made by this Act apply only to
25 a person who files an application with the Texas Department of
26 Licensing and Regulation for a license issued under Chapter 1601,
27 1602, or 1603, Occupations Code, that is pending on the effective

1 date of this Act or that is filed on or after that date.

2 SECTION 4. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2007.